

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CONFEDERATED TRIBES OF THE
CHEHALIS RESERVATION, a federally
recognized Indian tribe on its own behalf and as
parens patriae for its members, and CTGW,
LLC, a limited liability company organized
under Delaware law,

Plaintiffs,

v.

THURSTON COUNTY BOARD OF
EQUALIZATION, a political subdivision of the
state of Washington; Thurston County Board of
Equalization members JOHN MORRISON,
BRUCE REEVES and JOE SIMMONDS, in
their official capacities; THURSTON COUNTY
ASSESSOR PATRICIA COSTELLO, in her
official capacity; THURSTON COUNTY, a
political subdivision of the State of Washington;
and THURSTON COUNTY TREASURER
ROBIN HUNT, in her official capacity,

Defendants.

NO. C08-5562

[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT RE:
BRACKER PREEMPTION

THIS MATTER comes before the Court on Plaintiffs' Motion for Summary Judgment
Re: *Bracker* Preemption, and the Court having reviewed the materials filed in support of
Plaintiffs' Motion, Defendants' cross Motion for Summary Judgment, and the materials in

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO
SEAL - 1
(C08-5562)

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Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 support thereof, now, therefore, it is hereby ORDERED that Plaintiffs' Motion is GRANTED
2 and Defendant's Motion for Summary Judgment (Dkt. 100) is DENIED.

3 Based on the argument of the parties and the evidence presented, the Court finds that
4 there are no genuine issues of material fact and Plaintiffs are entitled to judgment as a matter of
5 law, specifically: (1) a declaratory judgment that Defendants' Taxes are preempted; and (2) a
6 permanent injunction prohibiting Defendants from assessing, taxing, seeking to collect,
7 collecting or enforcing the collection of the property taxes on the Great Wolf Lodge – Grand
8 Mound and its associated tax parcels.

9 Therefore, now it is hereby ORDERED that Defendants' Taxes are preempted as a
10 matter of federal law, and

11 Plaintiffs are permanently ENJOINED and PROHIBITED from assessing, taxing,
12 seeking to collect, collecting or enforcing the collection of property taxes on the Great Wolf
13 Lodge – Grand Mound and its associated tax parcels.

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16 DONE in open court this ____ day of _____, 2009.

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18 HON. BENJAMIN H. SETTLE
19 UNITED STATES DISTRICT JUDGE
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22 Presented by:

23 /s/ Harold Chesnin, WSBA #398
24 Harold Chesnin, WSBA #398
25 General Counsel to the Tribe
1810 – 43rd Avenue E. #203
Seattle, WA 98112
Telephone: 360-661-1020

/s/ Gabriel S. Galanda, WSBA #30331
Debora Juarez, WSBA # 17199
Gabriel S. Galanda, WSBA # 30331
Anthony S. Broadman, WSBA # 39508
WILLIAMS KASTNER
601 Union Street, Suite 4100

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO
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Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 Fax: 206-861-8116
Email: pateus@aol.com

2 Attorney for Plaintiffs Confederated Tribes of the
3 Chehalis Reservation and CTGW, LLC

Seattle, WA 98101-2380
Telephone: (206) 628-6600
Fax: (206) 628-6611
Email: djuarez@williamskastner.com
Email: ggalanda@williamskastner.com
Email: abroadman@williamskastner.com

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5 Attorneys for Plaintiffs Confederated Tribes
6 of the Chehalis Reservation and CTGW,
7 LLC

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[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO
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